

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

CERTIFICATE NUMBER
(FOR COMPTROLLER'S USE ONLY)

TO: CITY COUNCIL FROM (ORIGINATING DEPARTMENT): ECP/Right of Way Design Div DATE: 09/13/2010
SUBJECT: ADVERTISE & AWARD OF ALDINE DRIVE AND FAIRMOUNT AVE SLOPE RESTORATION PROJECT

PRIMARY CONTACT (NAME, PHONE): Marnell Gibson, 619-533-5213 MS 908A SECONDARY CONTACT (NAME, PHONE): Jamal Batta, 619-533-7482 MS 908A

COMPLETE FOR ACCOUNTING PURPOSES

FUND	400169	600000			
DEPT / FUNCTIONAL AREA	OTHR-00000000-TR	OTHR-00000000-TR			
ORG / COST CENTER	2112150013	2112150013			
OBJECT / GENERAL LEDGER ACCT	512025	512025			
JOB / WBS OR INTERNAL ORDER	S00865	S00865			
C.I.P./CAPITAL PROJECT No.	S00865	S00865			
AMOUNT	\$460,494.00	\$1,896,506.00	0.00	0.00	0.00

FUND					
DEPT / FUNCTIONAL AREA					
ORG / COST CENTER					
OBJECT / GENERAL LEDGER ACCT					
JOB / WBS OR INTERNAL ORDER					
C.I.P./CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00

COST SUMMARY (IF APPLICABLE): CONSTRUCTION \$2,142,219.00

CONTINGENCY \$214,781.00

TOTAL \$2,357,000.00

ROUTING AND APPROVALS

CONTRIBUTORS/REVIEWERS:	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
	ORIG DEPT.	Boekamp, Patti	9/21/2010
	CFO		
	DEPUTY CHIEF		
	COO		
	CITY ATTORNEY		
	COUNCIL PRESIDENTS OFFICE		

PREPARATION OF:		<input checked="" type="checkbox"/> RESOLUTIONS	<input type="checkbox"/> ORDINANCE(S)	<input type="checkbox"/> AGREEMENT(S)	<input type="checkbox"/> DEED(S)
1. Approving the plans and specifications for the construction of Aldine Drive and Fairmount Ave. Slope Restoration Project, CIP # S-00865, as advertised by Purchasing and Contracting Department; and 2. Authorizing the Mayor, or his designee, to execute a construction contract with the lowest responsible and reliable bidder in the amount not to exceed \$2,357,000.00.; and 3. Authorizing the Chief Financial Officer to expend an amount not to exceed \$2,357,000.00 from CIP # S-00865, Aldine Drive and Fairmount Ave. Slope Restoration, of which \$1,896,506 Fund # 600000, Grant # 1000155-2006, State Grant Fund; and \$460,494, Fund # 400169, Transnet, for the purpose of awarding the Aldine Drive and Fairmount Ave. Slope Restoration Project Contract; and 4. Stating for the record that the final MND has been reviewed and considered prior to approving the project; and 5. Directing the City Clerk to file a Notice of Determination.					
STAFF RECOMMENDATIONS:					
Adopt the resolutions.					
SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)					
COUNCIL DISTRICT(S):		3			
COMMUNITY AREA(S):		Kensington-Talmadge			
ENVIRONMENTAL IMPACT:		The City of San Diego as Lead Agency under CEQA has reviewed and considered a Mitigated Negative Declaration for Project No. 152162, dated March 4, 2010 covering this activity, adopted March 24, 2010, by Resolution No. HO-6296-1 and the Site Development Permit No. 539739 adopted March 24, 2010 by Resolution No. HO-6296-2.			
CITY CLERK INSTRUCTIONS:					

COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE: 09/13/2010

ORIGINATING DEPARTMENT: ECP/Right of Way Design Div

SUBJECT: ADVERTISE & AWARD OF ALDINE DRIVE AND FAIRMOUNT AVE SLOPE RESTORATION PROJECT

COUNCIL DISTRICT(S): 3

CONTACT/PHONE NUMBER: Marnell Gibson/619-533-5213 MS 908A

REQUESTED ACTION:

- Approving the plans and specifications for the construction of Aldine Drive and Fairmount Ave. Slope Restoration Project, CIP # S-00865, as advertised by Purchasing and Contracting Department; and authorizing the Mayor, or his designee, to execute a construction contract with the lowest responsible and reliable bidder.

STAFF RECOMMENDATION:

Adopt the resolutions.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

Aldine Drive and Fairmount Avenue Slope Restoration project consists of the construction of two cast in place concrete retaining walls, each measuring 360 LF in length and 6 to 26 feet in height to stabilize the slope on Aldine Drive between Van Dyke Ave and Fairmount Ave in the Kensington-Talmadge Community area. The retaining walls will contain architectural elements and the slopes will be backfilled and landscaped with native, non-invasive plant species.

In August, 2010, Caltrans approved the construction plans and specifications for the project. Approval of the plans and specification by Caltrans is required for the purpose of obtaining the Federal Highway Administration (FHWA) funds for the construction of the project. The City Council authorized the Auditor & Comptroller in September, 2006 to appropriate & expend \$3,025,556 from CIP # S-00865 for the project contingent upon receipt of the fully executed FHWA agreements and upon FHWA certifying that the funds are available or on deposit in the City Treasury. On September 14, 2010, FHWA approved the project for construction.

The engineer's estimated construction cost and duration of the project is \$2,357,000 and six (6) months respectively.

FISCAL CONSIDERATIONS:

Funding for this action is currently available in CIP # S-00865, Fund # 400169, Transnet, and Fund # 600000, Grant # 1000155-2006, State Grant Fund.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

Funding Agency: City of San Diego/Federal Highway Administration. Prevailing wages apply to this contract.

Goals:

Other: Staff will monitor firm's equal opportunity performance and adherence to Non-Discrimination Ordinance. This agreement is subject to the City's Equal Opportunity Contracting

(San Diego Ordinance No. 18173, Section 22.2701 through 22.2708) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL and/or COMMITTEE ACTION (describe any changes made to the item from what was presented at committee):

- Resolution R-301908, dated September 29, 2006, authorized appropriation of funding to this project.
- Document No. C-13379, dated September 2005 for the Original contract with RBF Consulting for \$59,800.00.
- Document No. C-13859, dated July 2006 for the First Amendment with RBF Consulting for \$89,336.00.
- Document No. C-13930, dated October 2006 for the Second Amendment with RBF Consulting for \$32,650.00.
- Document No. RR 303881, dated July 2008 for the Third Amendment with RBF Consulting executed for \$198,150.00.
- Document No. O-19927, dated May 2010 for the Fourth Amendment with RBF Consulting for \$52,700.00.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Design elements have been presented to Kensington-Talmadge Community Planning Group and Kensington-Talmadge Project Review Subcommittee several times for feedback. Staff will continue to update the community during the remaining stages of the project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City of San Diego

Caltrans

FHWA

RBF Consulting, KTU+A (Subconsultant), Southland Geotechnical (Subconsultant), Heritage Architecture (Subconsultant), and Tierra Environmental (Subconsultant)

Affected home owners

Community Planning Group, Kensington-Talmadge

Boekamp, Patti

Originating Department

Deputy Chief/Chief Operating Officer

RESOLUTION NUMBER R- 301908
DATE OF FINAL PASSAGE SEP 29 2006

100
9/19/06
Danny Schroberg
6/2

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Mayor or his representative is authorized and empowered for and on behalf of the City of San Diego to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments and payment requests, that may be necessary for the purpose of obtaining federal financial assistance for the Fashion Valley Road Reconstruction, Talbot Street Slope, and Aldine Drive Slope Restoration projects;

2. That the City Auditor and Comptroller is authorized, pending receipt of fully executed funding agreements, to accept funds and to establish separate interest bearing accounts;

3. That the City Auditor and Comptroller is authorized to add the following projects to the Fiscal Year 2007 Capital Improvements Program:

- a. CIP 13-501.0, Talbot Street Slope, and
- b. CIP 13-502.0, Fashion Valley Road Restoration;

4. That the City Auditor and Comptroller is hereby authorized to increase the Fiscal Year 2007 Capital Improvements Program Budget by \$5,658,806, FHWA funds, for the following projects:

- a. \$1,627,000 in CIP 13-502.0, Fashion Valley Road Restoration,
- b. \$1,006,250 in CIP 13-501.0, Talbot Street Slope, and
- c. \$3,025,556 in CIP 52-592.0, Aldine Drive and Fairmount Avenue Slope

Restoration;

5. That the City Auditor and Comptroller is hereby authorized to appropriate and expend \$1,627,000 from CIP 13-502.0, for the purpose of repair of Fashion Valley Road, \$1,006,250 from CIP 13-501.0 for the repair of Talbot Street Slope, and \$3,025,556 from CIP 52-592.0 for the Aldine Drive Slope Restoration project, contingent upon receipt of fully executed FHWA agreements and upon the City Auditor and Comptroller certifying that funds are available or on deposit in the City Treasury;

6. That the City Auditor and Comptroller is hereby authorized to transfer appropriations and expenditures as follows, in order to consolidate funding:

a. From CIP 13-005.0, Slope Stabilization Aldine Drive (Job Order 130070) to CIP 52-592.0, Aldine Drive and Fairmount Avenue Slope Restoration,

b. From CIP 13-005.0, Talbot Street Slope Restoration (Job Order 130078) to CIP 13.501.0, Talbot Street Slope, and

c. From CIP 13-005.0, Fashion Valley Road River Crossing (Job Order 130068) to CIP 13-502.0, Fashion Valley Road Restoration;

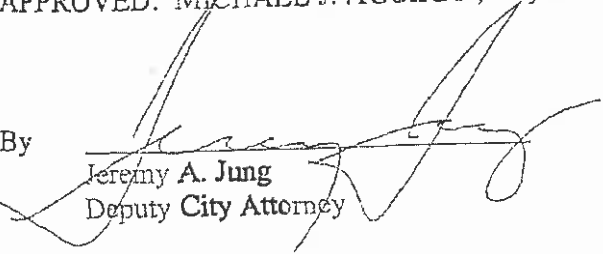
7. That the City Auditor and Comptroller is authorized to transfer expenditures from TransNet, Fund 30300, CIP 13-502.0, Fashion Valley Road Restoration, to FHWA funding in an amount not exceed the total FHWA appropriation, and to return TransNet funds in a like amount to fund balance, Fund 30300;

8. That the City Auditor and Comptroller, upon advice from the administering department, is authorized to transfer excess funds, if any to the proper reserves; and

9. That this activity is not a "project" and therefore exempt from CEQA pursuant to State CEQA Guidelines section 15060(c)(2).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Jeremy A. Jung
Deputy City Attorney

JAJ:cla
08/29/2006
Aud. Cert.: N/A
Or.Dept:E&CP
R-2007-242

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 19 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9-29-06

(date)


JERRY SANDERS, Mayor

Vetoed: _____

(date)

JERRY SANDERS, Mayor

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

*No need to Record
Public project
Public property*

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WBS No. S-00865.08

SITE DEVELOPMENT PERMIT NO. 539739
ALDINE DRIVE SLOPE RESTORATION - PROJECT NO. 152162[MMRP]
HEARING OFFICER

This Site Development Permit No. 539739 is granted by the Hearing Officer of the City of San Diego to the City of San Diego, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The site is located at in the public Right-of-Way on the south side of Aldine Drive, west of Fairmount Avenue and within the Central Urbanized Planned District and Kensington-Talmadge Neighborhood of the Mid-City Communities Plan area.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct two cast-in-place retaining walls, each measuring approximately 360 lineal feet (LF) in length and six to twenty-six feet in height in the Aldine Drive Public Right-of-way. The retaining walls would support the currently sloughing hillside, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 24, 2010, on file in the Development Services Department.

The project shall include:

- a. Two cast-in-place retaining walls, each measuring approximately 360 lineal feet (LF) in length and six to twenty-six feet in height;
- b. Slope reinforcement;
- c. Landscaping (planting, irrigation and landscape related improvements and treatments);
- d. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent

of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project

12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 152162 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in (Choose one: Mitigated Negative Declaration No. 152162, satisfactory to the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with construction, all conditions of the MMRP shall be

adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Land Use (MSCP/MHPA)
Biological Resources

14. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

15. Prior to grading for the proposed wall, the Hottentot Fig shall be eradicated from the project site. The method of eradication may include hand pulling followed by the removal of the plant from the site, spraying of the plant with an approved herbicide or another methodology approved by the project biologist. The project biologist shall monitor the eradication of the Hottentot Fig.

LANDSCAPE REQUIREMENTS:

16. Prior to final inspection, all landscape improvements, including planting and irrigation, shall be installed in substantial conformance to the approved Exhibit "A" Landscape Development Plan, on file with the City of San Diego, Development Services Department.

ENGINEERING REQUIREMENTS:

17. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

18. Prior to the issuance of any construction permit the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

19. The drainage system for this project shall be private and will be subject to approval by the City Engineer.

20. The Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

TRANSPORTATION REQUIREMENTS

21. . The proposed retaining walls' installation shall provide a minimum of 31 feet from the face of the walls, and a minimum of 30 feet from the outer edge of the safety barriers or the columns to the northerly edge of the pavement on Aldine Drive, satisfactory to the City Engineer.

22. This project shall comply with all the current street lighting standards according to the City of San Diego Street Design Manual Document No. 297376, filed on November 25, 2002, and the amendment to the Council Policy 200-18, by Resolution No. R-296141 approved by City Council on February 26, 2002 satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

23. The Owner/Permittee shall prepare full size (D sheet) traffic control and detour plans for the proposed work on Aldine Drive, and submit for review and approval to the Traffic Control and Electrical Section of Field Engineering of Engineering & Capital Projects Department prior to construction. The traffic control, detour, and road closure plans including the hours of work should be reviewed and approved of the above group while implementing the results of the traffic detour analysis prepared for this project by RBF Consulting.

GEOLOGY REQUIREMENTS:

24. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

25. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

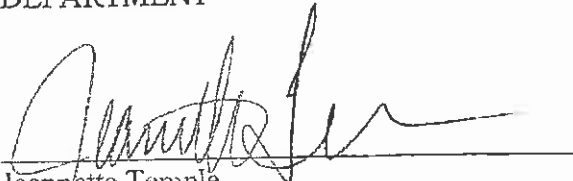
INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on March 24, by Hearing Officer Resolution No. HO-6296-2.

Permit Type/PTS Approval No.: SDP 539739
Date of Approval: March 24, 2010

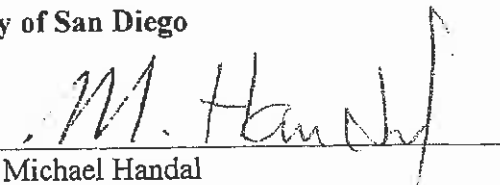
AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT


Jeannette Temple
Development Services Department

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

City of San Diego

By



Michael Handal
Engineering and Capital Projects

HEARING OFFICER
RESOLUTION NO. HO-6296-2
SITE DEVELOPMENT PERMIT NO. 539739 [MMRP]
ALDINE DRIVE SLOPE RESTORATION – PROJECT NO. 152162

WHEREAS, CITY OF SAN DIEGO ENGINEERING AND CAPITAL PROJECTS, Owner/Permittee, filed an application with the City of San Diego for a permit to construct two cast-in-place retaining walls, each measuring approximately 360 lineal feet (LF) in length and six to twenty-six feet in height. The retaining walls would support the currently sloughing hillside (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 539739);

WHEREAS, the project site is located along the south side of Aldine Drive between Van Dyke Avenue and Fairmount Avenue in the OR-1-1 zone of the Central Urbanized Planned District of the Kensington-Talmadge Neighborhood of Mid City Communities Planning Area;

WHEREAS, on March 24, 2010, the Hearing Officer of the City of San Diego considered Site Development Permit No. 539739, pursuant to the Land Development Code of the City of San Diego;
NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated March 24, 2010.

FINDINGS:

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan.

The proposed development is for two cast in place retaining walls in the public right-of-way to support a sloughing hillside. As part of the project's design, the face of the walls would be sheathed in a cobble veneer from the bottom of the wall up to six feet high. From six feet and up the retaining walls would be faced with a stained scored concrete surface. The wall would also include concrete pilaster caps with large cobble finials. Landscaping that replicates the existing vegetation along Aldine Drive would be provided along the entire length of the proposed retaining walls. The landscaping design concept is intended to enhance and complement the neighborhood while blending into the surrounding natural environment and open space. With these measures, the project is consistent with the Mid-City Communities Plan recommendation to respect the natural environment to the maximum extent possible.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.**

The proposed concrete retaining walls will enhance the safety of bicyclists and automobile passengers who use the road by preventing further sliding of the adjacent slope onto the roadway. The wall will also protect the residential neighborhood, located at the top of the slope, from future sliding which could further damage those properties.

3. **The proposed development will comply with the applicable regulations of the Land Development Code.**

The proposed project is consistent with the development regulations of the Land Development Code for land use. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Site Development Permit No. 539739. Construction of the wall and improvements within the public right-of-way shall meet all requirements of the regulations and development criteria in effect for the site except for the height of the wall as discussed in supplemental findings. All relevant City of San Diego, Land Development Code regulations shall be complied with at all times for the life of the project.

B. Supplemental Findings--Environmentally Sensitive Lands

1. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The proposed retaining wall is sited at the base of an existing steep slope that has failed and could continue to erode into the public right-of-way if not properly retained. The slope behind the retaining wall will backfilled and revegetated. There are no impacts to native vegetation or sensitive species.

2. **The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

The proposed retaining wall will remediate the existing risk from erosional forces of the hillside and has been designed to minimize further alteration of existing natural land forms while providing the necessary slope stability within the constraints of the site, and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

The proposed project will not have any permanent impacts to environmentally sensitive lands and temporary impacts due to construction will be avoided by restricting construction during the migratory bird breeding season or through other appropriate remedial measures.

4. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.**

The project is consistent with the City of San Diego MSCP Subarea Plan. Applicable adjacency guidelines are adhered to in the installation of appropriate drainage improvements, avoidance of lighting during construction, and revegetation with native and non-invasive drought-tolerant species.

5. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

The project is well east of the Coastal Zone and is not adjacent to any river that provides sand transport. Therefore, the project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

The nature and extent of mitigation required is related to the potential for visual impacts due to the proposed height of the retaining wall and temporary construction related impacts. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

O. Supplemental Findings—Public Right-of Way Encroachments

1. **The proposed *encroachment* is reasonably related to public travel, or benefits a public purpose, or all *record owners* have given the applicant written permission to maintain the *encroachment* on their property.**

The proposed development is for two retaining walls in the public right-of-way to support a sloughing hillside. The project would construct two cast-in-place retaining walls, each measuring approximately 360 lineal feet (LF) in length and six to twenty-six feet in height. The walls will support a failing slope located in the public Right-of-Way on the south side of Aldine Drive, west of Fairmount Avenue which is a route of travel between the Kensington-Talmadge neighborhood and Interstate 8 to the north.

2. **The proposed *encroachment* does not interfere with the free and unobstructed use of the public *right-of way* for public travel.**

The proposed development is for two retaining walls in the public right-of-way to support a sloughing hillside. The project would construct two cast-in-place retaining walls, each measuring approximately 360 lineal feet (LF) in length and six to twenty-six feet in height. The segment of Aldine Drive where the proposed slope restoration project is located is a two-lane collector and it is expected that transportation/circulation in the vicinity of the project area could be affected due to one or both lane closures and detours. However, the

completed project will ensure free and unobstructed travel on Aldine Drive in the future, without threat of earth debris in the roadway.

3. The proposed *encroachment* will not adversely affect the aesthetic character of the community.

The proposed project would stabilize a potentially failing earthen slope with retaining walls. The project would construct two cast-in-place retaining walls, each measuring approximately 360 lineal feet (LF) in length and six to twenty-six feet in height. As part of the project's design, the face of the walls would be sheathed in a cobble veneer from the bottom of the wall up to six feet high. From six feet and up the retaining walls would be faced with a stained scored concrete surface. The wall would also include concrete pilaster caps with large cobble finials. Landscaping that replicates the existing vegetation along Aldine Drive would be provided along the entire length of the proposed retaining walls. The landscaping design concept is intended to enhance and complement the neighborhood while blending into the surrounding natural environment and open space.

Because the proposed project would stabilize an existing slope and the project footprint would not extend into a designated viewing corridor, the project would not block any public views to scenic vistas or significant landmarks. The project has been designed to blend and mimic the existing conditions of the area and would not impact neighborhood character. The project would alter an existing landform; however, the design would improve the overall visual quality due to the design of the retaining walls and the plantings associated with the slope stabilization.

4. The proposed *encroachment* does not violate any other Municipal Code provisions or other local, state, or federal law.

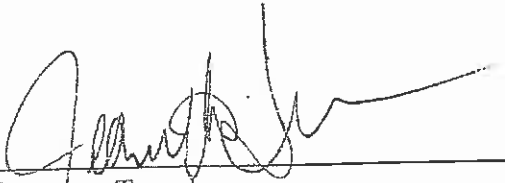
The proposed development is for two retaining walls in the public right-of-way to support a sloughing hillside. The project would construct two cast-in-place retaining walls, each measuring approximately 360 lineal feet (LF) in length and six to twenty-six feet in height. The height of the wall deviates from allowed wall heights in the Municipal Code, however per SDMC Section 142.0612, the City standards do not apply for this necessary public facility.

A Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act and a Mitigation, Monitoring and Reporting Program will be implemented to reduce potential environmental impacts to below significance. The project would comply with the requirements described in the *Standard Specifications for Public Works Construction*, and California Department of Transportation *Manual of Traffic Controls for construction and Maintenance Work Zones*. A traffic control plan would be prepared and implemented in accordance with the *City of San Diego Standard Drawings Manual of Traffic Control for Construction and Maintenance Work Zones*.

5. For coastal development in the coastal overlay zone, the encroachment is consistent with Section 132.0403 (Supplement Use Regulations of the Coastal Overlay Zone).

The proposed development is for two retaining walls in the public right-of-way to support a sloughing hillside. The project would construct two cast-in-place retaining walls, each measuring approximately 360 lineal feet (LF) in length and six to twenty-six feet in height. The walls will support a failing slope located in the public Right-of-Way on the south side of Aldine Drive, west of Fairmount Avenue which is a route of travel between the Kensington-Talmadge neighborhood and Interstate 8 to the north. The site is not located in the Coastal Overlay Zone and is therefore exempt from these requirements.

BE IT FURTHER RESOLVED that based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. -- is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 539739, a copy of which is attached hereto and made a part hereof.



Jeannette Temple
Development Project Manager
Development Services

Adopted on: March 24, 2010

WBS No. S-00865.08

AMENDMENT MODIFICATION SUMMARY

FEDERAL AID PROGRAM

DLA LOCATOR: 11-SD-0-SD

PREFIX: ER

PROJECT NO: 4213(018)

SEQ NO: 7

EA: 11956372L

AGENCY: SAN DIEGO

ROUTE:

TIP DATA

MPO: SANDAG

FSTIP YR: 09/10

STIP REF:

DISASTER NO: CA2005-1

BRIDGE NO'S:

PROG CODE

09T0

09T0

09X0

ER60

ER60

FUNDING SUMMARY

PHASE	LINE NO	IMPV TYPE	FUNC SYS	URBAN AREA	URB/RURAL	DEMO ID	FEDERAL COST	PROJECT COST	AC COST
PE	40	04	R	SAN DIEGO	URBAN		\$420,694.00	\$475,200.00	\$0.00
	41	17	R	SAN DIEGO	URBAN		\$0.00	\$0.00	\$0.00
	40	04	R	SAN DIEGO	URBAN		\$420,694.00	\$475,200.00	\$0.00
	10	15	M	SAN DIEGO	URBAN		\$0.00	\$0.00	\$0.00
	30	04	M	SAN DIEGO	URBAN		\$0.00	\$0.00	\$0.00
							\$20,445.00	\$20,445.00	\$0.00
							\$2,463,552.00	\$2,463,552.00	\$0.00
							\$2,483,997.00	\$2,483,997.00	\$0.00
							\$2,959,197.00	\$2,959,197.00	\$0.00
							\$2,622,121.00	\$2,622,121.00	\$0.00

STATE REMARKS

HISTORICAL COMMENTS

DAF No. DLP-SD-004-0, Disaster No. CA05-1. Resp Agency-City of San Diego 5004

This Authorization is for EMERGENCY OPENING ONLY to install fencing to contain falling rock and mud. Permanent Restoration is NOT Authorized.

8/2/06 - Change Appropriation Code

This project is FTIP exempt- not capacity increasing, no change in alignment or functionality

6/22/07 - Obligate funds for geotechnical and environmental studies for a wall

05/30/08 avp Add'l PE\$ request \$192,965 for ER60 (e.g. NEPA Environmental

studies & clearance requirement)

07/08/09 avp seq#6 Add'l PE\$ increase to revise & finalize the environmental

studies required for Site Development Permit and NEPA clearance.

Total PE\$ Inc. = \$57,970 = \$51,320 (Fed @ 88.53%) + \$6,650 (Local)

08/19/2010 08/31/10 avp - City of San Diego requests to CON: \$2,463,552 = \$2,180,982 (Fed) + \$282,570 (Local-TransNet).

PROJECT LOCATION:
ALDINE DRIVE (BETWEEN ADAMS AVE. & FAIRMOUNT AVE.)

TYPE OF WORK:

CONSTRUCT RETAINING WALL

FED RR NO'S:

PUC CODES:

PROJ OVERSIGHT: EXEMPT FROM FHWA REVIEW

ENV STATUS / DT: DELEG TO STATE SEC 6004 08/26/2010

RW STATUS / DT: 1 07/22/2010

INV RTE:

BIG MP: 0

END MP: 0

PREV AUTH / AGREE DATES:

PE: 06/28/2007

R/W:

CON:

SPR:

MCS:

OTH: 12/28/2004

FEDERAL REMARKS

AUTHORIZATION

AUTHORIZATION TO PROCEED WITH REQUEST: CON
FOR: CON & CE
DOCUMENT TYPE: AMOD

PREPARED BY: PHAM, ANH-VU
REVIEWED BY: MCWILLIAM, TERESA
AUTHORIZED BY: MCWILLIAM, TERESA
PROCESSED BY: HUEY, SHUN
EXECUTED BY: ADA B. LEHNER

ON 08/31/2010 220-5406
ON 09/09/2010
ON 09/13/2010 FOR CALTRANS
ON 09/13/2010 FOR FHWA
ON 09/14/2010

LAST FHWA ELECTRONIC SIGNATURE

SIGNATURE HISTORY FOR PROJECT NUMBER 4213(018) AS OF 09/15/2010

FHWA FMIS 4.0 SIGNATURE HISTORY

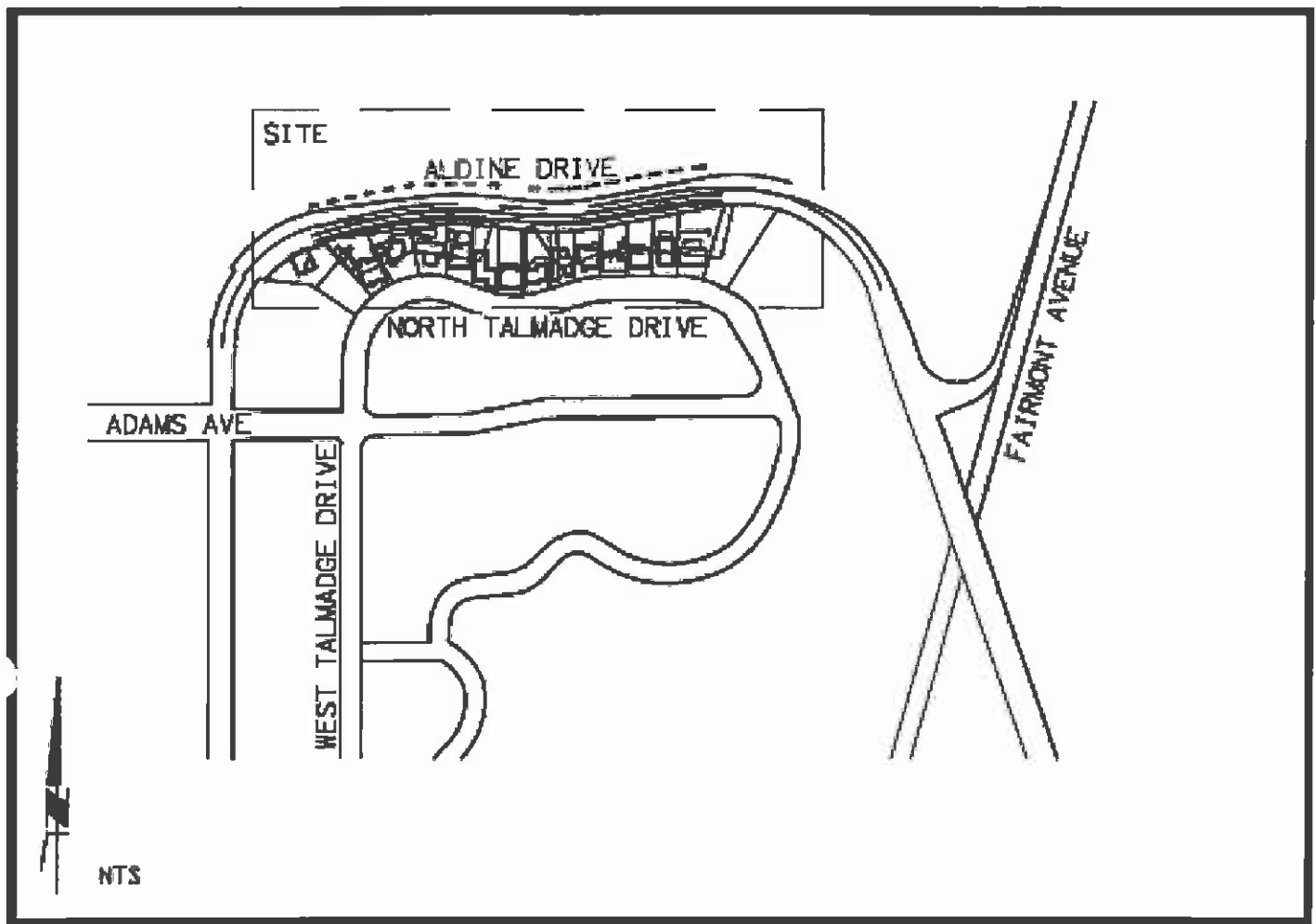
MOD #	SIGNED BY	SIGNED ON
7	SHUN HUEY	09/14/2010
	GARY J. SWEETEN	09/14/2010
	ADA B. LEHNER	09/14/2010
6	JERILYNN FOGLE	07/16/2009
	JACOB R. WACLAW	07/16/2009
	VENESHA SMITH	07/16/2009
5	JERILYNN FOGLE	06/11/2008
	JERILYNN FOGLE	06/11/2008
	TASIA P. PAPAJOHN	06/11/2008
4	JERILYNN FOGLE	11/27/2007
	JERILYNN FOGLE	11/27/2007
	MARY CUNNINGHAM	11/28/2007
3	JERILYNN FOGLE	07/12/2007
	JERILYNN FOGLE	07/12/2007
	JEFF BLAIS	07/12/2007
2	JERILYNN FOGLE	07/02/2007
	JERILYNN FOGLE	07/02/2007
	TASIA P. PAPAJOHN	07/09/2007
1	JERILYNN FOGLE	09/12/2006
	JERILYNN FOGLE	09/12/2006
	TYANN DECHAMBEAU	09/13/2006
0	JERILYNN FOGLE	02/27/2006
	JERILYNN FOGLE	02/27/2006
	MARY CUNNINGHAM	02/27/2006

FHWA FMIS 3.0 SIGNATURE HISTORY

CALTRANS SIGNATURE HISTORY

DOCUMENT TYPE	SIGNED BY	SIGNED ON
AMEND/MOD	MCWILLIAM, TERESA	09/13/2010

ALDINE DR & FAIRMOUNT AVE SLOPE RESTORATION PROJECT



LOCATION MAP